

U.S. Appln. No. 10/039,153
Amendment Dated December 20, 2004
Reply to Office Action of August 20, 2004
Docket No. BOC9-2001-0013 (248)

REMARKS/ARGUMENTS

These remarks are submitted responsive to the Office Action of August 20, 2004 (Office Action). This response is being filed with a petition for a one-month retroactive extension of time.

In the first section of the Office Action, the Examiner has rejected claims 1-5, and 7-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,819,173 to Lawrence, *et al.* (Lawrence). In the second portion of the Office Action, the Examiner has rejected claims 6, 14, and 18-26 under 35 U.S.C. § 103(a) as being unpatentable over Lawrence.

In response to the Office Action, Applicants have amended claims 1 and 9 to clarify that the telephone service feature that is temporarily activated is one not previously provisioned by an exchange carrier for the call and that the feature is temporarily activated for that call. Claims 2 and 10 have been amended to clarify that the determination of whether a feature can be provisioned considers whether the provisioning can occur within a telephone network for a call serviced by the exchange carrier. Claims 7 and 15 have been amended to clarify that the provided list of features are those features offered for calls serviced by the exchange carrier. Additionally, system claims 17 and 22 have been amended to clarify that the temporarily added feature is a feature not previously provisioned by an exchange carrier that services the call.

Further, new claim 27 has been added to emphasize that the exchange carrier that provides the temporary telephone service feature, establishes the call for which the temporary feature applies. New claim 28 has been added to emphasize that the identifying, activating, and deactivating steps occur within a network element of a public switched telephone network. New claim 29, has been added to emphasize that the identified telephone service feature is a feature associated with a line-based telephone number serviced by the exchange carrier.

U.S. Appln. No. 10/039,153
Amendment Dated December 20, 2004
Reply to Office Action of August 20, 2004
Docket No. BOC9-2001-0013 (248).

These amendments are clearly supported throughout the specification, such as by page 10, line 21 to page 11, line 11, by page 10, lines 5-7, by page 10, lines 10-12, by page 8, lines 3-5, and by page 1, lines 6-14. Additional support for these amendments is provided by FIGS. 2-4 and by the accompanying detailed description. No new matter has resulted from these amendments.

Prior to addressing the rejections on the art, a brief review of the Applicants' invention is in order. Applicants' claimed subject matter concerns a method and system for temporarily provisioning a telephone service feature. At the request of a calling or called party, a telephone service feature to be temporarily provisioned can be identified. Once identified, the telephone service feature can be provisioned and activated to handle the telephone service feature. Upon completion of the call, the requested telephone service is deactivated.

In one embodiment, the present invention can be used to "loan" telephone oriented services from a paying customer to a nonpaying customer. For example, when a caller receives a busy signal when dialing a number not equipped with a call waiting feature, the caller can input a special key sequence to notify the telephone company to loan (for a fee) the call waiting service to the called party. The call waiting feature will then be enabled for the duration of the call. This represents a desirable situation for the phone company because it will receive extra revenue from the transaction. Both the calling party and the called party also obtain beneficial results, as the calling party is not forced to wait and the called party can try out a new service (call waiting) that they may in the future decide to subscribe to (creating a further winning situation for the telephone company).

The invention can be implemented in a variety of ways including as a switch-level program extension to a current service (like the call waiting service). The invention can also be implemented at a higher level, such as with a PARLAY server or implemented for a network element using Advanced Intelligent Network (AIN) techniques.

U.S. Appl. No. 10/039,153
Amendment Dated December 20, 2004
Reply to Office Action of August 20, 2004
Docket No. BOC9-2001-0013 (248)

Turning to the rejections on the art, Lawrence discloses a wireless communication methodology that is to be implemented within a Mobile Telephone Switching Office (MTSO). In Lawrence, the inventive premise is that different mobile carriers having an overlapping coverage area implement different telephone features. Lawrence teaches that a MTSO can selectively provide different features to a mobile telephone user by selecting one of the different service providers based upon the features granted by the selected service provider.

The teachings of Lawrence do not translate well into a line-based telephone systems. Lawrence requires different pre-existing broadcast systems to exist, each providing wireless telephone service for a given area and each having a different default set of features implemented for all subscribers. Features cannot be selectively added or removed from a given broadcast service on a feature-by-feature basis. As noted at column 1, line 65 to column 2, line 20, Lawrence is limited in scope to wireless network communications, where different services are provided over different wireless channels that can be selected (in accordance with the inventive arrangements disclosed by Lawrence.)

One of ordinary skill in the art can appreciate that the selection of the different wireless channels would be performed within a MTSO, and has no applicability within line-based telephony switches or network elements of a Public Switched Telephone Network (PSTN). Telephony switches do not have multiple broadcasted channels to select from (which is a unique to broadcast-based or mobile telephony, the occurrence of which takes place at the MTSO), but instead uses telephony technologies, such as the Signaling System 7 (SS7) protocol, the Common Channel Interoffice Signaling (CCSI) protocols, and the like.

Teachings applicable to MTSO are not applicable to PSTN telephony switches and vice-versa. That is, one of skill in the art would not attempt to apply MTSO techniques based upon selection of broadcast channels to a telephony switch call routing techniques

U.S. Appln. No. 10/039,153
Amendment Dated December 20, 2004
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Docket No. BOC 9-2001-0013 (248)

protocols and feature enablement techniques that are based upon SS7, CCSI, and other such switching protocols. Within the field of telecommunications, the two are distinct and non-analogous art areas.

Referring to claims 1 and 9, Applicants claim the steps of:

identifying a telephone service feature to be temporarily provisioned for the duration of a call that was not previously provisioned by an exchange carrier;

temporarily activating said identified telephone service feature for the call; and

deactivating said activated telephone service feature upon completion of said call.

The Examiner had previously noted that resources were inherently temporarily reserved (assuming in a location like RAM) or else no telephony system could function. Applicants have amended the claims to clarify that the telephone service feature was not previously provisioned by an exchange carrier that clarifies the terms "temporarily provisioning" in context of the currently claims. Hence temporarily provisioning means temporarily activating a new (previously not provisioned) telephone service feature for the duration of a call, where the identified feature is deactivated when the call ends.

Lawrence fails to provide such a teaching. Instead, the features of Lawrence are provisioned before the call is placed and remain provisioned after the call terminates, in Lawrence, different exchange carriers provide different feature packages (already provisioned for that exchange carrier) along different broadcast channels. One of these communication channels is selected according to the teachings of Lawrence.

Not only does Lawrence not teach the claimed invention, but Lawrence teaches away from the Applicants' claimed invention. That is, according to Lawrence different

U.S. Appln. No. 10/039,153
Amendment Dated December 20, 2004
Reply to Office Action of August 20, 2004
Docket No. BOC9-2001-0013 (248)

channels having previously provisioned features (that differ from the services provided within other ones of the channels) must exist.

Referring to claims 2 and 10, Applicants note that the temporarily activated telephone service feature is serviced by the exchange carrier, which in the same exchange carrier that according to the identifying step had not previously provisioned the identified telephone service feature. Lawrence teaches that different exchange carriers use different selectable broadcast channels of previously provisioned features. Hence, Lawrence does not contemplate claims 2 or 10.

Referring to claims 17 and 22, Applicants explicitly claim that a call is serviced by an exchange carrier and that during the call a temporarily activated feature is used, which was not previously provisioned by the exchange carrier. Lawrence contemplates no such teachings.

In light of the above remarks, it is apparent that Lawrence fails to teach or inherently include the claimed limitation of temporarily activating a telephone service feature that was not previously provisioned by an exchange carrier. Since under 35 U.S.C. § 102(b) each claimed limitation must be taught or inherently present in a cited reference, the rejections to claims 1-5 and 7-17 should be withdrawn, which action is respectfully requested.

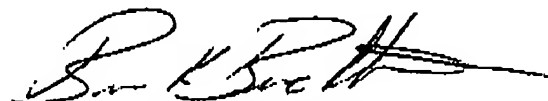
Lawrence also fails to contemplate the Applicants invention as presently claimed. Specifically, Lawrence should be considered non-analogous art since it pertains to selecting different broadcast channels in a MTSO, which provides no insight to one of ordinary skill in the art regarding the Applicants' claimed invention that pertains provisioning features within a telephone network, line a PSTN. Further, Lawrence in no way contemplates temporarily activating a telephone service feature for the duration of a call, where the feature was not previously provisioned by an exchange carrier. Accordingly, the rejections to claims 6, 14, and 18-26 under 35 U.S.C. § 103(a) should be withdrawn, which action is respectfully requested.

U.S. Appin. No. 10/039,153
Amendment Dated December 20, 2004
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Docket No. BOC9-2001-0013 (248)

Applicant believes that this application is now in full condition for allowance, which action is respectfully requested. The Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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